

Notice of Allowability

Application No.

10/060,712

Examiner

Jean E Lesperance

Applicant(s)

ANDRE ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed April 12, 2006.
2. ☒ The allowed claim(s) is/are 20-22, 25-28, 30-34, 36, and 42-54, and renumbered as 1-26.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 10/12/2003.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10-8-02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

1. The amendment filed April 12, 2006 is entered and claims 20-22, 25-28, 30-34, 36, and 42-54 are pending.

Allowable Subject Matter

2. Claims 20-22, 25-28, 30-34, 36, and 42-54 are allowed.
3. The following is an examiner's statement of reasons for allowance: the claimed invention is directed to a hand operated computer mouse.

Independent claim 20 identifies a uniquely distinct feature "an integral top member formed from a single integral piece and having an external contour for receiving a user's hand for manipulation of the hand operated computer mouse, the integral top member cooperating with the base member to form a housing of the hand operated computer mouse, the base member and integral top member working together to encase internal components of the hand operated computer mouse, the base member forming the bottom wall of the housing, the integral top member forming the entire top and side walls of the housing, the integral top member moving relative to the base member to provide a user input action, the integral top member being capable of moving between a first position, placing the integral top member away from the base member and a second position, placing the integral top member towards the base member".

Independent claim 32 identifies a uniquely distinct feature "a top member mechanically coupled with base member to form the mouse housing and to encase said mouse electronics, the top member of the mouse housing being configured to be grasped and manipulated by a hand of a user, the top member being formed from a single integral piece and defining the entire top surface of the mouse housing, the top member moving relative to the bottom member between a first position, placing the top member away from the bottom member and a second position, placing the top member towards the bottom member, so as to implement a clicking action, the entire top member serving as a movable button for implementing the clicking action".

Independent claims 36 and 42 identify a uniquely distinct feature "a top member formed from a single piece having no separate mechanical buttons disposed thereon, the top member cooperating with the base member to form a housing of the handheld computer mouse that substantially encloses internal components of the handheld computer mouse, the top member forming the top and side surfaces of the housing and being configured for placement inside a user's hand, the base member forming the bottom surface of the housing and being configured for contact with a support surface, the top member moving relative to the base member to provide a clicking action, the entire top member serving as button for actuating internal electronic switch configured to register the clicking action as an input to the electronics of the handheld computer mouse".

Independent claim 48 identifies a uniquely distinct feature "a movable outer shell cooperating with the base member to fully encase the electronics disposed therein, the

Art Unit: 2629

movable outer shell being a single integrated piece that forms the entire grippable surface for manipulating the mouse with a hand, the movable outer shell pivoting relative to the base member so as to provide a button clicking action that activates the internal electronic actuator carried by the base housing member”.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6,469,693 (Chiang et al.).

The closest art, Chiang et al. as discussed above, either singularly or in combination, fails to anticipate or render obvious the above limitations obvious.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

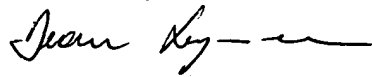
Art Unit: 2629

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



Art Unit 2629

Date 5/19/2006



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600